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Attorneys for Defendants Bank of America National Association as Successor
Trustee by merger to LaSalle Bank National Association as Trustee under the
Pooling and Servicing Agreement dated as of August 1, 2006, GSAMP Trust
2006-HE5; MERS; and Litton Loan Servicing LP.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(PORTLAND DIVISION)

NATACHE D. RINEGARD-GUIRMA,

No. 3:10-cv-01065-PK

Plaintiff,

MOTION TO DISMISS PURSUANT
TO FRCP 12(b)(6) BY DEFENDANTS:

v.

BANK OF AMERICA NATIONAL
ASSOCIATION as Successor Trustee By
Merger To LaSalle Bank National Association
As Trustee Under The Pooling and Servicing
Agreement Dated As Of August 1, 2006,
GSAMP Trust 2006-HE5; MERS; LITTON
LOAN SERVICING LP; LSI TITLE
COMPANY OF OREGON LLC; and QUALITY
LOAN SERVICING CORPORATION OF
WASHINGTON,

Defendants.

- 1.) BANK OF AMERICA NATIONAL
ASSOCIATION as Successor
Trustee by Merger to LaSalle Bank
National Association as Trustee
Under the Pooling and Servicing
Agreement Dated as of August 1,
2006, GSAMP TRUST 2006-HE5
- 2.) MERS, and
- 3.) LITTON LOAN SERVICING LP

NOTE ON MOTION CALENDAR:

Date:

Time:

ORAL ARGUMENT REQUESTED

I. LR 7.1 CERTIFICATION

The undersigned attorney certifies that he conferred with Plaintiff Natache D. Rinegard-Guirma in good faith via telephone on September 29, 2010 prior to filing this Motion, but that the parties could not resolve the issues, requiring the filing of this Motion.

II. MOTION

Pursuant to FRCP 12 (b)(6), defendants Bank of America National Association as Successor Trustee by Merger to LaSalle Bank National Association as Trustee Under the Pooling and Servicing Agreement Dated as of August 1, 2006, GSAMP TRUST 2006-HE5 ("Bank of America National Association"), MERS, and Litton Loan Servicing LP respectfully move the Court for an order dismissing Plaintiff's Amended Complaint (filed on September 17, 2010 as docket # 17) with prejudice for failure to state a claim. Furthermore, Plaintiff cannot assert a set of facts that constitute a claim for relief against defendant MERS.

This Motion is supported by the accompanying Memoranda of Law and Request for Judicial Notice concurrently being filed.

Defendants respectfully request oral argument on this motion.

DATED this 30th day of September, 2010.

ROUTH CRABTREE OLSEN, P.C.

By /s/ Ian Kyle
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MERS; and Litton Loan Servicing LP
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Oregon that I mailed a true and correct copy of the forgoing FRCP 12 (b)(6) Motion to Dismiss to the parties listed below on this 30th day of September, 2010. Where available, such parties were served solely via ECF (Holger Uhl).

ROUTH CRABTREE OLSEN, P.C.

By /s/ Ian Kyle
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Via ECF